

H.A., on behalf of minor child, D.H., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF MORRIS SCHOOL : DECISION
DISTRICT, MORRIS COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent appealed his son D.H.'s suspension from school for allegedly harassing a female student and sought to expunge the disciplinary action from D.H.'s record.

The ALJ concluded that there were no genuine issues of disputed fact. D.H. admitted he was involved in the incident that led to his suspension. Moreover, the ALJ concluded that based on the gravity of the act and the statements regarding rape, the two-day suspension was the appropriate sanction in this instance even though petitioner said he never intended to hurt the student. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

December 10, 2001

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 5387-01
AGENCY DKT. NO. 106-4/01

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his independent and careful review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge, as he cannot find that the Board's decision to suspend D.H., which was upheld after providing D.H. and his parents with a hearing, was arbitrary, capricious, unreasonable or an abuse of its discretion. Accepting all facts which petitioner has alleged to be true, and viewing this matter in a light most favorable to D.H., the Commissioner determines that the Board, indeed, had good cause to issue a two-day suspension to D.H. for his admitted involvement in the harassment of an eleven-year-old female student.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons stated therein. Summary decision is granted to the Board and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 10, 2001

Date of Mailing: December 10, 2001

* This decision, as the Commissioner's final determination may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.